



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 308**

October 28, 1997 – Offered by Representative HUEBSCH.

1 **AN ACT** *to amend* 895.52 (1) (g) and 895.525 (2); and *to create* 895.527 of the
2 statutes; **relating to:** sport shooting range immunity and responsibilities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 895.52 (1) (g) of the statutes is amended to read:

4 895.52 (1) (g) “Recreational activity” means any outdoor activity undertaken
5 for the purpose of exercise, relaxation or pleasure, including practice or instruction
6 in any such activity. “Recreational activity” includes, ~~but is not limited to,~~ hunting,
7 fishing, trapping, camping, picnicking, exploring caves, nature study, bicycling,
8 horseback riding, bird-watching, motorcycling, operating an all-terrain vehicle,
9 ballooning, hang gliding, hiking, tobogganing, sledding, sleigh riding,
10 snowmobiling, skiing, skating, water sports, sight-seeing, rock-climbing, cutting or
11 removing wood, climbing observation towers, animal training, harvesting the
12 products of nature, shooting and any other outdoor sport, game or educational

1 activity, ~~but~~. “Recreational activity” does not include any organized team sport
2 activity sponsored by the owner of the property on which the activity takes place.

3 **SECTION 2.** 895.525 (2) of the statutes is amended to read:

4 895.525 (2) DEFINITION. In this section, “recreational activity” means any
5 activity undertaken for the purpose of exercise, relaxation or pleasure, including
6 practice or instruction in any such activity. “Recreational activity” includes, ~~but is~~
7 ~~not limited to~~, hunting, fishing, trapping, camping, bowling, billiards, picnicking,
8 exploring caves, nature study, dancing, bicycling, horseback riding,
9 horseshoe-pitching, bird-watching, motorcycling, operating an all-terrain vehicle,
10 ballooning, curling, throwing darts, hang gliding, hiking, tobogganing, sledding,
11 sleigh riding, snowmobiling, skiing, skating, participation in water sports, weight
12 and fitness training, sight-seeing, rock-climbing, cutting or removing wood,
13 climbing observation towers, animal training, harvesting the products of nature,
14 shooting and any other sport, game or educational activity.

15 **SECTION 3.** 895.527 of the statutes is created to read:

16 **895.527 Sport shooting range activities. (1)** In this section, “sport shooting
17 range” means an area designed and operated for the use of firearms.

18 **(2)** A person who owns or operates a sport shooting range is immune from civil
19 liability related to noise resulting from the operation of the sport shooting range if
20 one of the following applies:

21 (a) The owner or operator of the sport shooting range complies in good faith
22 with any statute, rule or ordinance related to noise control that applied to the sport
23 shooting range at the time of construction or initial operation of the sport shooting
24 range.

1 (b) No statute, rule or ordinance related to noise control applied at the time of
2 construction or initial operation of the sport shooting range.

3 (3) A person who owns or operates a sport shooting range is not subject to an
4 action for nuisance related to noise and no court may enjoin or restrain the operation
5 or use of a sport shooting range on the basis of noise if one of the following applies:

6 (a) The owner or operator of a sport shooting range complies in good faith with
7 any statute, rule or ordinance related to noise control that applied to the sport
8 shooting range at the time of construction or initial operation of the sport shooting
9 range.

10 (b) No statute, rule or ordinance related to noise control applied at the time of
11 construction or initial operation of the sport shooting range.

12 (4) Any sport shooting range that exists on the effective date of this subsection
13 [revisor inserts date], may continue to operate as a sport shooting range at that
14 location notwithstanding any zoning ordinance enacted under s. 59.69, 60.61, 60.62,
15 61.35 or 62.23 (7), if the sport shooting range is a lawful use or a legal nonconforming
16 use under any zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35 or 62.23
17 (7) on the effective date of this subsection [revisor inserts date].

18 (END)